

EXHIBIT 3



United States Attorney
Western District of Washington

Please reply to:
Andrew C. Friedman
Assistant United States Attorney
Direct Line: (206) 553-2277

700 Stewart Street, Suite 5220 Tel: (206) 553-7970
Seattle WA, 98101-1271 Fax: (206) 553-0882
www.usdoj.gov/usao/waw

July 1, 2020

BY E-MAIL

Brian Klein, Esq.
Melissa Meister, Esq.
Baker Marquart LLP
777 South Figueroa Street
Los Angeles, California 90017

Mohammad Hamoudi, Esq.
Christopher Sanders, Esq.
Nancy Tenney, Esq.
Office of the Federal Defender
1601 5th Avenue, Suite 700
Seattle, Washington 98101

Re: *United States v. Paige Thompson*, No CR19-0159RSL (W.D. Wash.)

Dear Counsel:

We write to respond to Brian's letter of June 17, 2020. We expect that we will have an additional production of discovery for you next week. With respect to the three specific items regarding which the letter inquires:

- (1) Neither we, nor the agents and analysts at the Federal Bureau of Investigation (FBI) involved in our criminal investigation, either have reviewed, or are in possession of, any of the documents of the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve, or the unnamed bank regulatory agencies referred to in the Law 360 article attached to Brian's letter. As a result, these documents are not in the possession of the prosecution team and we cannot produce them to you.

- (2) Similarly, neither we, nor the agents and analysts at the FBI involved in our criminal investigation, either have reviewed, or are in possession of, the report reportedly issued by Mandiant to Debevoise & Plimpton LLP on September 4, 2019. There also has not been any correspondence between Capital One and either us, or agents and analysts at the Federal Bureau of Investigation involved in our criminal investigation, regarding this report. We are unaware whether the report may be in the possession of some other government agency, but neither it, nor any correspondence concerning it, is in the possession of the prosecution team, and we therefore cannot produce these items to you.
- (3) To the extent that there has been any other correspondence between agents or analysts at the FBI involved in our criminal investigation and Capital One or its counsel, we previously have included that correspondence, and the materials provided to the government as part of the correspondence, in discovery. We will continue to produce such correspondence in the future, should we receive any, consistent with our discovery obligations.

Sincerely,

BRIAN T. MORAN
United States Attorney

s/Andrew C. Friedman
ANDREW C. FRIEDMAN
Assistant United States Attorney

s/Steven T. Masada
STEVEN T. MASADA
Assistant United States Attorney